

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

ZONING COMMISSION VARIANCE

Application No.:	ZV-2019-01980
Application Name:	Palm Beach Park of Commerce - IAAI West
Control No./Name:	1981-00190, Palm Beach Park of Commerce PIPD
Applicants:	YTG Palm Beach IL NR LP Insurance Auto Auctions, Corp.
Owners:	YTG Palm Beach IL NR LP
Agents:	Urban Design Kilday Studios - Joni Brinkman and Bobby Powell Jr.
Telephone No.:	(561) 366-1100
Project Manager:	Brenya Martinez, Site Planner II

TITLE: a Type 2 Variance **REQUEST:** to eliminate Outdoor and Security Lighting.

APPLICATION SUMMARY: Proposed are Type 2 Variances for the Palm Beach Park of Commerce (PBPOC) - IAAI West development . The 26.06-acre site is comprised of three vacant Light Industrial (IL) parcels. The PIPD was originally approved by the Board of County Commissioners (BCC) on May 4, 1982, for an Official Zoning Map Amendment to rezone from Agricultural (AG) and IL to the PIPD Zoning District. It was last approved by the BCC on April 24, 2019, for a Development Order Amendment to delete a Condition of Approval (Engineering) for the Regional Recreation Pod.

The Applicant is requesting Variances to eliminate the requirements for Outdoor and Security Lighting for a proposed Outdoor Auction use, which is primarily comprised of an Office building, outdoor display, storage and loading areas.

The Preliminary Site Plan (PSP) indicates a 370 square foot (sq. ft.) Office building, seven parking spaces, with Outdoor Auction Storage Area, and a Sales Pad. Access to the site will be from Corporate Road South (1).

This application was reviewed for compliance with the ULDC, Ordinance 2003-067, Supplement 26.

SITE DATA:

Location/Address:	South side of Corporate Road South, approximately 0.50 miles east of Park of Commerce Boulevard.
PCN:	00-41-41-17-08-016-0000, 00-41-41-17-08-017-0000; 00-41-41-17-08-018-0000;
Zoning District:	Planned Industrial Park Development (PIPD)
Future Land Use:	Industrial (IND)
Total Acreage:	26.06 acres
Tier	Urban/Suburban
Construction Status:	Vacant Lot

STAFF RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Approval Date	Resolution No.
1981-00190	Approval of a Development of Regional Impact (DRI)	2/2/1982	R-1982-120
PDD-1981-00190	An Official Zoning Map Amendment for a rezoning from Agricultural (AG) District and Light Industrial (IL) Zoning Districts to the Planned Industrial Park District (PIPD)	5/4/1982	R-1982-468
DOA-1981-00190A	Development Order Amendment for a modification of Commission requirements of a Master Plan for an existing PIPD to decrease the land area.	5/22/1990	R-1990-812
1989-00121 (companion to application above)	Rezoned the three-acre parcel from PIPD to IL; SE for Lot-1 and L-2 to permit a public and private utility service and accessory buildings and structures	5/22/1990	R-1990-827 and R-1990-828
1981-00190B	Withdrawn	N/A	N/A
DOA-1980-00190C	A DOA to modify Conditions of Approval.	3/16/1993	R-1993-344
DOA-1981-00190D	A DOA to modify Condition of Approval.	9/28/1995	R-1995-1321.15
SE-1981-00190	County Staff restated the PIPD Conditions of Approval for the DRI and local government conditions for the Palm Beach Park of Commerce.	1/30/1997	R-1997-160 (local) and R-1997-161 (DRI)
BA-2003-00023	Variance for Sidewalk reduction	N/A	Withdrawn
DOA-2005-00148	A DOA to modify/delete Conditions of Approval of the PIPD and the DRI.	7/28/2005	R-2005-1419 and R-2005-1419.1
PDD/DOA-2006-00505	An Official Zoning Map Amendment for a rezoning from the Light Industrial (IL) Zoning District to the Planned Industrial Park Development (PIPD) District.	11/27/2006	R-2006-2560
PDD/DOA-2006-00505	A DOA to extend the buildout date, add land area (80 acres), reconfigure master plan, redesignate land uses, and add access.	11/27/2006	R-2006-2561
PDD/DOA-2006-00505	DRI Amendment to extend build out date and add land area (80 acres).	11/27/2006	R-2006-2562
SD-00141 (78.91-acre Parcel only)	A Subdivision Variance to allow a reduction in access width for a non-residential use project (expired).	11/7/2013	ZR-2013-035
ZV-2015-00766	A Type 2 Variance to allow a reduction in the depth of the required roof over a loading zone; eliminate the terminal landscape islands and interior landscape islands within the truck/employee parking area.	7/2/2015	ZR-2015-022
ZV-2016-02195	A Type 2 Variance to allow a reduction in the number of parking spaces; and to eliminate interior and terminal islands within the truck parking area.	3/2/2017	ZR-2017-007
ZV/DOA/CA 2017-00572	A Type 2 Variance to eliminate the six-foot wall in a Type 2 incompatibility buffer and allow an eight-foot chain link	10/16/2017	ZR-2017-043

	fence in the front setback.		
	A Type 2 Variance to eliminate both the vehicular and non-vehicular cross-access to the PIPD.	10/16/2017	ZR-2017-044
	A Development Order Amendment to reconfigure the Master Plan; re designate Pods; add a use; and, delete Conditions of Approval (Landscape).	11/7/2017	R-2017-1647
	A Class A Conditional Use to allow Outdoor Entertainment.	11/7/2017	R-2017-1648
DOA-2017-02490	A DOA to reconfigure the Site Plan; relocate square footage; increase building square footage; and, modify a Condition of Approval (Environmental).	9/24/2018	R-2018-01482
SV/DOA/CA-2018-01218	A Subdivision Variance to allow access for Commercial Uses onto a 60-foot Right-of-Way; a DOA to add uses; a Class A Conditional Use to allow two Type 1 Restaurants with Drive-throughs; and, to allow Retail Gas and Fuel Sales with a Convenience Store.	3/25/2019	ZR-2019-0010 R-2019-0384; R-2019-0385; R-2019-0386; R-2019-0387
ZV-2018-01342	A Type 2 Variance to eliminate a Loading Area Screening Wall; and, to allow a reduction in Loading Area Screening shrub height within a Perimeter Buffer.	11/01/2019	ZR-2018-0032
DOA-2018-02347	A DOA to delete a Condition of Approval (Engineering) For the Regional Recreational Pod.	04/25/2019	R-2019-0554
ZV-2019-01537	to eliminate or reduce Loading Area Screening requirements.	01/08/2020	ZR-2019-003.

SURROUNDING LAND USES:

Adjacent to overall PIPD

NORTH:

FLU: Conservation (CON)
 Zoning District: Agricultural Residential (AR) and Light Industrial (IL)
 Supporting: Conservation

SOUTH:

FLU: Rural Residential, 1 unit per 10 acres (RR-10)
 Zoning District: Agricultural Residential (AR)
 Supporting: Residential (Caloosa)

SOUTH (Across Bee Line Highway):

FLU: Conservation (CON)
 Zoning District: Agricultural Residential (AR)
 Supporting: Conservation

EAST:

FLU: Rural Residential, 1 unit per 10 acres (RR-10)
 Zoning District: Agricultural Residential (AR)
 Supporting: Residential (Jupiter Farms and Caloosa)

WEST:

FLU: Conservation (CON)
 Zoning District: Light Industrial (IL)
 Supporting: Conservation

WEST:

FLU: Industrial (IND)
Zoning District: Light Industrial (IL)
Supporting: Industrial

WEST: (Across Pratt- Whitney Road)

FLU: Rural Residential, 1 unit per 20 acres (RR-20)
Zoning District: Light Industrial (IL)
Supporting: Vacant

SURROUNDING LAND USES (Affected Area):

NORTH:

FLU Designation: Industrial (IND)
Zoning District: Planned Industrial Park Development / General Industrial (PIPD / IG)
Supporting: Vacant (PBPOC, Control No. 1981-00190)

FLU Designation: Industrial (IND)
Zoning District: Planned Industrial Park Development (PIPD)
Supporting: Vacant, Wetlands (PBPOC, Control No. 1981-00190)

SOUTH:

FLU Designation: Rural Residential, 1 unit per 10 acres (RR-10)
Zoning District: Agricultural Residential (AR)
Supporting: Residential (Caloosa)

EAST:

FLU Designation: Industrial (IND)
Zoning District: Planned Industrial Park Development (PIPD)
Supporting: Vacant, Wetlands (PBPOC, Control No. 1981-00190)

WEST:

FLU Designation: Industrial (IND)
Zoning District: Planned Industrial Park Development (PIPD)
Supporting: Vacant, Wetlands (Control No. 1981-00190)

TYPE 2 VARIANCE SUMMARY:

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Art. 5.E.4.E.2, Applicability [Related to Outdoor Lighting]	All outdoor lighting shall be subject to the requirements of Table 5.E.4.D-15 and 5.E.4.D-16, unless exempted or permitted to deviate as described herein.	To eliminate outdoor lighting for the sales pad, storage area, the drop zone and load out zone.	100% for the sales pad, storage area, the drop zone and load out zone.
V.2	Art. 5.E.4.E.4.C.3, Security Lighting and Time Restrictions	Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots.	To eliminate security lighting for the sales pad, storage area, the drop zone and load out zone.	100% for the sales pad, storage area, the drop zone and load out zone.

FINDINGS:

Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under ULDC Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. ***Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district:***

V1/V2 YES. According to the Applicant’s Statement, the special conditions and circumstances concerning these variance requests are peculiar to this parcel of land which are not applicable to other parcels of land in the same zoning district. The Unified Land Development Code (ULDC) requires that all outdoor lighting shall be subject to the requirements of Table 5.E.4.E- Illumination Levels and Table 5.E.4.E Maximum Permitted Luminaire Height, unless excepted or permitted to deviate as described herein and Security lighting shall be required for all active entrances to buildings, parking lots, and access to buildings. The Agent stated that the hours of operation would be from 6 a.m. to 6 p.m.; however, since it may still be dark depending on the time of the year, Staff is proposing a Condition of Approval limiting the hours of operation from dawn till dusk. The 55.07- acres site is mainly comprised of a sales pad, storage areas, drop and load out zones. The Applicant is requesting Variances to eliminate the requirements for outdoor lighting including the sales pad, storage area, the drop zone and the loading areas. Applicant proposes infrared cameras to detect pedestrian and vehicular activity throughout the site. The cameras shall utilize motion sensors and thermal technology, including an audio alarm system. Also, the site would be gated at night after hours. According to the Applicant, the site will not be in use after 6:00 p.m. and any employees who are on site at night will only access the areas that are lit, which includes the parking lot and around the entrances to the building. The site as it relates to the overall PIPD, is surrounded on the east and south by the rural Jupiter Farms and Caloosa neighborhood and Caloosa, is immediately adjacent to the south of the subject site. Furthermore, there are existing natural wetlands and conservation areas where Dark Sky advocacy is important to preserving way of life and natural habitat in the Rural Tier. According to the Agent, entrances to the parking lot, the parking lot and the entrances to the building. will be lit per code requirements. Thus, confirming that the variance request would only apply to the sales pad, storage areas, drop zones and load out area.

In addition to the aforementioned, Staff is recommending Conditions of Approval that tie the variance to the uses and locations of the parking lots as indicated on the Preliminary Site Plan. As the auto auction use has a demonstrated history of daytime-only operations where these two parking areas will not be used at any time during nighttime hours, in conjunction with the enhanced security features, a unique circumstance exists that would allow for the proposed variances.

- b. ***Special circumstances and conditions do not result from the actions of the Applicant:***

V1/V2 YES. The special conditions associated with these variance requests are not a result of the actions of the Applicant. The ULDC does not provide for an exemption from lighting for uses or portions of a site that are not used specifically at night, therefore, requiring the request for variances. Additionally, the location of the PIPD itself, the designation of a limited Urban Service Area, and the surrounding existing rural residential development is not the result of the actions of the Applicant. The Limited Urban Service Area, allows for uses typically permitted in the Urban/Suburban Tier, however, it is surrounded by lands within the Rural Tier. This parcel is located to the north of rural residential neighborhoods, making it unique when compared to other industrial developments within the Urban/Suburban Tier.

- c. ***Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:***

V1/V2 YES - The granting of the variances will not confer any special privilege denied by the Plan or the Code to other parcels of land in the same zoning district. The use shall be restricted to daytime use with no nighttime operation.

- d. ***Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:***

V1/V2 YES. – Literal interpretation and enforcement of the terms and provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district. The purpose and intent of the ‘Outdoor Lighting’ requirement in the ULDC is “*to preserve, protect and enhance the legal nighttime use and enjoyment*” of all properties. The use of the sales pad, outdoor storage, drop zone/load out area are limited in access to customers, and there is no access to these areas after dark. In addition, providing Outdoor and Security Lighting as required, could potentially impact the Caloosa residential properties to the south.

Security lighting is unnecessary for the areas subject to the variance requests as these areas will not operate after dark. Access to customers is limited to daylight hours; therefore, mitigating any light pollution impacts to surrounding residential areas.

- e. ***Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:***

V1/V2 YES. The granting of these variances will allow the Property Owner to continue to operate business activities and provide functional parking for both employees and dealer customers without disruption, and preclude the undue hardship of retrofitting the subject parking lots to provide for unnecessary lighting.

- f. ***Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:***

V1/V2 YES. Granting of these variances will be consistent with the purposes and intent, goals and objectives of the Code and Plan. According to the Applicant, the areas that will be used by employees in the evening, such as the parking lot and around the building will meet Code requirements. The variance request will allow the vast majority of the site to not be lit at night using alternative technologies discussed above. The use of those technologies instead of traditional outdoor and security lighting is consistent with Art. 3.E.1.A.1, Purpose and Intent [related to PDDs], which encourages ingenuity, and imagination to create development that promotes sustainable living and economic growth, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques.

- g. ***Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:***

V1/V2 YES. The granting of these variances will not be injurious to the area involved or otherwise detrimental to the public welfare. In fact, as discussed above, the granting of these variances will help to minimize any unintended adverse impacts on the surrounding residential communities to the south, and help protect the natural and conservation areas in the vicinity by not dramatically changing the current circumstances as far as lighting is concerned. Any lighting added to the specified sales pad, storage area, drop, and load out zones, would only serve to add potential light pollution during the nighttime hours aforementioned.

CONCLUSION

Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request.

ZONING COMMISSION CONDITIONS

Exhibit C: Type 2 Variance - Standalone

VARIANCE

1. This Variance is approved for the Outdoor Auction Use (Control No.1981-00190; Application No. ABN/DRO-2019-01248). Any change to the use shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)
2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)
3. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for Application ABN/DRO-2019-01248. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)
4. Use of the sales pad, storage area, drop zone and load out area shall be prohibited from dusk to dawn. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by the Development Permit.

Figure 1 - Land Use Map

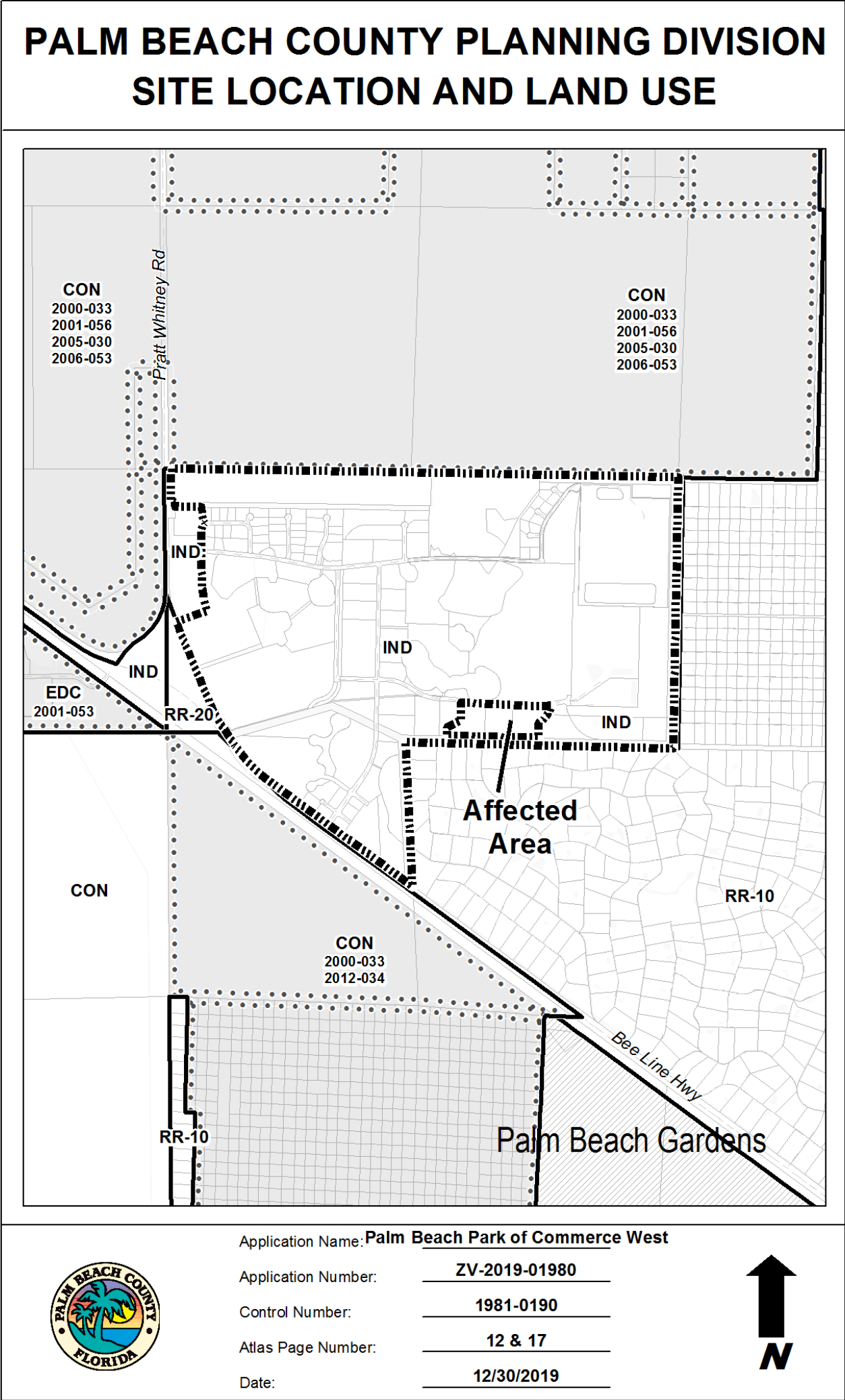


Figure 2 - Zoning Map

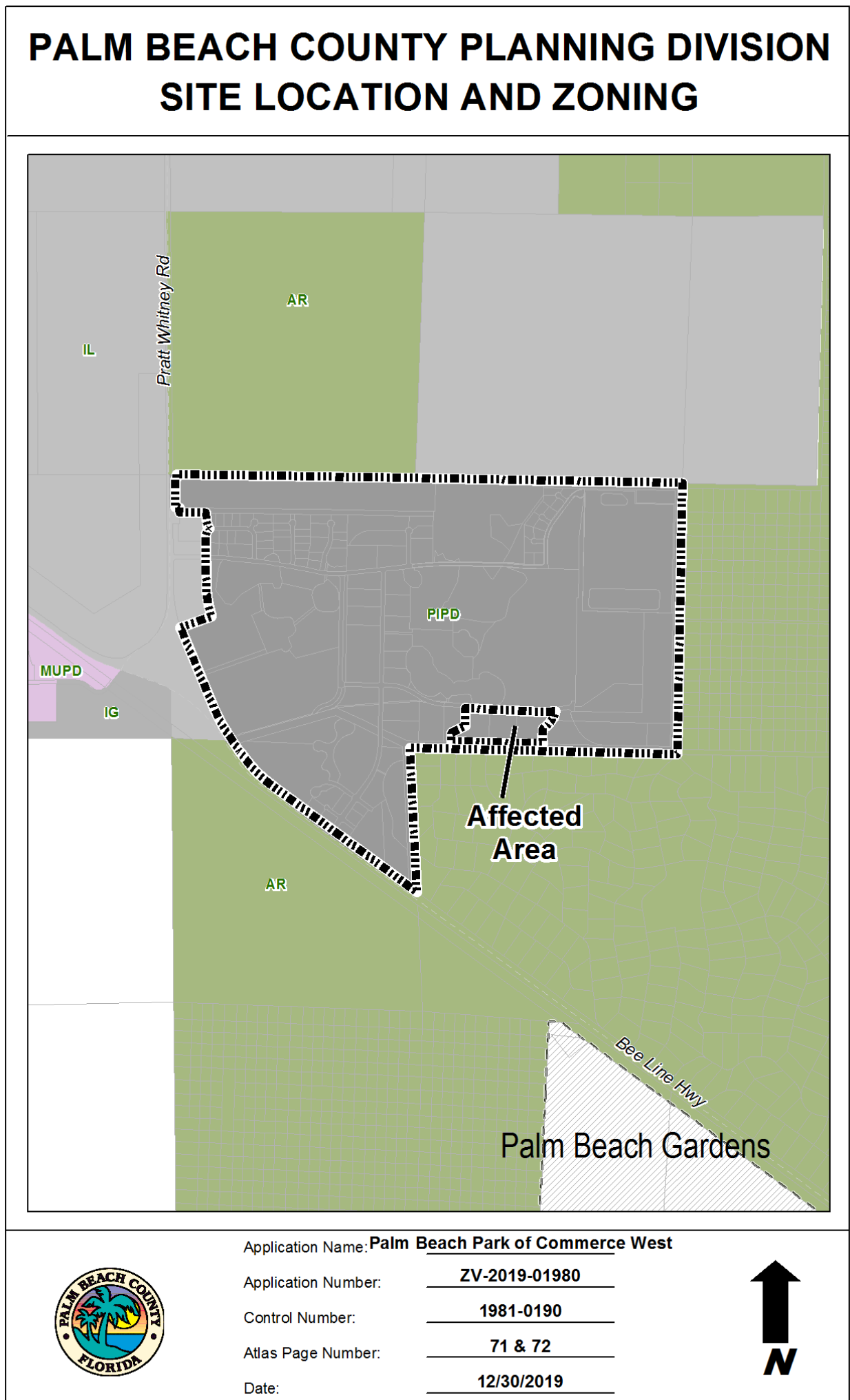


Figure 3 - Aerial Map



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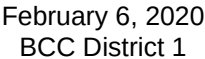
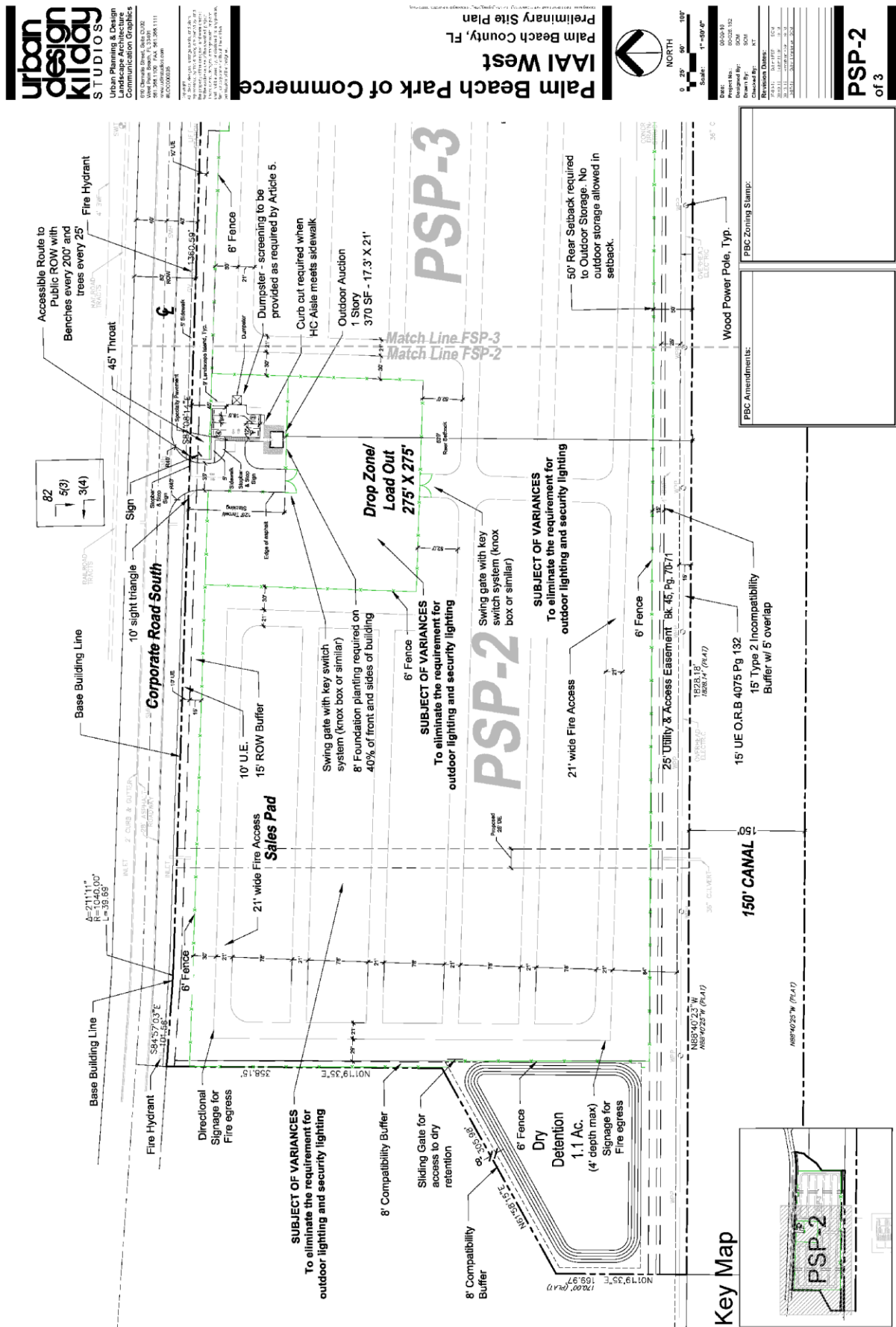
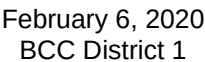


Figure 4 - Preliminary Site Plan (PSP-2) dated October 7, 2019



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Palm Beach Park of Commerce - IAAI West



DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF ~~FLORIDA~~ ILLINOIS
COUNTY OF ~~PALM BEACH~~ COOK

BEFORE ME, the undersigned authority, this day personally appeared Timothy O'Day, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [X] President, US Operations [position—e.g., president, partner, trustee] of Insurance Auto Auctions Corp. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
- 2. Affiant's address is: Two Westbrook Corporate Ctr., Suite 1000
Westchester, IL 60154
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
- 7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Tim O'Day
Timothy O'Day, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 5th day of Dec., 2019, by Timothy J. O'Day, who is personally known to me or [] who has produced Drivers Lic. as identification and who did take an oath.



Sue-ellen Adamo
Notary Public
Sue-ellen Adamo
(Print Notary Name)

NOTARY PUBLIC
ILLINOIS
State of ~~Florida~~ at Large
My Commission Expires: 11-9-2021

EXHIBIT "A"
PROPERTY

Attached

Disclosure of Beneficial Interest - Applicant form
Page 3 of 4

Revised 08/25/2011
Web Format 2011

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Wholly owned subsidiary of IAA, Inc. an entity registered with the Securities and Exchange Commission and listed
on New York Stock Exchange (Symbol: IAA)

DESCRIPTION:

LOTS P, Q AND R, PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT 15, AS RECORDED IN PLAT BOOK 112, PAGES 52 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT P; THENCE ALONG THE NORTH LINE OF SAID LOTS P, Q AND R, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; S.84°57'03"E. A DISTANCE OF 101.56 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1,040.00 FEET AND A CENTRAL ANGLE OF 02°11'11"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 39.69 FEET TO A POINT OF TANGENCY; THENCE S.87°08'14"E., A DISTANCE OF 1,360.59 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1,575.76 FEET AND A CENTRAL ANGLE OF 10°50'07"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 297.99 FEET TO THE NORTHEAST CORNER OF SAID LOT R; THENCE ALONG THE EAST LINE OF SAID LOT R, THE FOLLOWING NINE (9) COURSES AND DISTANCES; S.11°32'50"W., A DISTANCE OF 59.01 FEET; THENCE S.11°30'34"W., A DISTANCE OF 63.32 FEET; THENCE S.43°42'55"W., A DISTANCE OF 59.61 FEET; THENCE S.36°46'41"W., A DISTANCE OF 145.28 FEET; THENCE S.53°56'43"W., A DISTANCE OF 64.28 FEET; THENCE S.55°58'50"W., A DISTANCE OF 54.08 FEET; THENCE S.01°00'00"W., A DISTANCE OF 177.64 FEET; THENCE S.00°54'06"E., A DISTANCE OF 98.50 FEET; THENCE S.01°19'35"W., A DISTANCE OF 24.24 FEET TO THE SOUTHEAST CORNER OF SAID LOT R; THENCE N.88°40'23"W. ALONG THE SOUTH LINE OF SAID LOTS P, Q AND R, SAID LINE BEING 150.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE SOUTH LINE OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, A DISTANCE OF 1,828.18 FEET TO THE SOUTHWEST CORNER OF SAID LOT P; THENCE ALONG THE WEST LINE OF SAID LOT P, THE FOLLOWING THREE COURSES AND DISTANCES; N.01°19'35"E., A DISTANCE OF 169.97 FEET; THENCE N.61°58'15"E., A DISTANCE OF 305.98 FEET; THENCE N.01°19'35"E., A DISTANCE OF 358.15 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.
CONTAINING 1,134,978 SQUARE FEET/26.0555 ACRES MORE OR LESS.

ALSO KNOWN AS:

PARCEL G-13

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST; PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF CALBUT GENPAR TRACT A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGE 70, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EAST LINE OF WETLANDS PRESERVATION TRACT 10, AS SHOWN

ON THE PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176, PUBLIC RECORDS OF SAID COUNTY;

THENCE S 88°40'25"E (AS A BASIS OF BEARING) ALONG SAID LINE OF CALBUT GENPAR TRACT A, A DISTANCE OF 1,720.40 FEET TO THE WEST LINE OF WETLAND PRESERVATION TRACT C-9, AS RECORDED IN OFFICIAL RECORDS BOOK 7518, PAGE 1612, PUBLIC RECORDS OF SAID COUNTY, THE FOLLOWING FOUR (4) COURSES ARE ALONG SAID WEST LINE OF WETLAND PRESERVATION TRACT C-9; THENCE N 36°46'41"E, A DISTANCE OF 27.00 FEET; THENCE N 43°42'55' E, A DISTANCE OF 59.61 FEET; THENCE N 11°30'34"E, A DISTANCE OF 63.32 FEET; THENCE N 11°32'50"E, A DISTANCE OF 59.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CORPORATE ROAD SOUTH, PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO.4, AS RECORDED IN PLAT BOOK 68, PAGE 88, PUBLIC RECORDS OF SAID COUNTY; THE FOLLOWING FOUR (4) COURSES ARE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF CORPORATE ROAD SOUTH; THENCE WESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1575.76 FEET, A CENTRAL ANGLE OF 10°50'01", AN ARC LENGTH OF 297.95 FEET (CHORD S 87°26'30"W, 297.50) TO A POINT OF TANGENCY; THENCE N 87°08'14"W, A DISTANCE OF 1360.59 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1040.00 FEET, A CENTRAL ANGLE OF 02°11'11", AN ARC LENGTH OF 39.69 FEET TO A POINT OF TANGENCY; THENCE N 84°57'03"W, A DISTANCE OF 101.57 FEET TO THE EAST LINE OF SAID WETLANDS PRESERVATION TRACT 10; THENCE 01°19'35"W ALONG SAID EAST LINE, A DISTANCE OF 211.16 FEET TO THE POINT OF BEGINNING.

AND

PARCEL K-2

A PARCEL OF LAND LYING OVER THE PLAT OF CALBUT GENPAR TRACT A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGE 70, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PROCEED NORTH 88°40'25" WEST, ALONG THE SOUTH LINE OF SECTION 17, A DISTANCE OF 2,712.25 FEET; THENCE NORTH 01°19'35" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF WETLAND PRESERVATION TRACT C-9, AS RECORDED IN OFFICIAL RECORDS BOOK 7518, PAGE 1612, PUBLIC RECORDS OF SAID COUNTY, AND A POINT ON THE NORTH LINE OF CANAL TRACT 9, AS RECORDED IN OFFICIAL RECORDS BOOK 6297, PAGE 1252, PUBLIC RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; THENCE NORTH 88°40'25" WEST, DEPARTING SAID SOUTHWEST CORNER, AND ALONG SAID NORTH LINE, A DISTANCE OF 1,828.14 FEET TO THE SOUTHEAST CORNER OF WETLANDS PRESERVATION TRACT 10, AS SHOWN ON THE PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176, PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 01°19'35" EAST, DEPARTING SAID SOUTHEAST CORNER, AND ALONG THE EAST LINE OF SAID WETLANDS PRESERVATION TRACT 10, A DISTANCE OF 170.00 FEET; THENCE NORTH 61°58'15" EAST, CONTINUING ALONG SAID EAST LINE,

Exhibit D – Disclosures (Ower)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION
FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared J. Bradford Smith, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] Manager *[position - e.g., president, partner, trustee]* of YTG Investors, LLC for YTG Ventures, LP for YTG Florida LLC for YTG Palm Beach IL NR, LP that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1776 Peachtree Street, NW, Suite 100
Atlanta, GA 30309
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant’s knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

J. Bradford Smith, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 17 day of September, 2019, by J. Bradford Smith, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Stephanie Stobbe Graves
Notary Public

Stephanie Stobbe Graves
(Print Notary Name)

NOTARY PUBLIC
State of Georgia at Large
My Commission Expires: April 02, 2021

EXHIBIT "A"
PROPERTY

Attached.

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
None	

DESCRIPTION:

LOTS P, Q AND R, PALM BEACH PARK OF COMMERCE P.I.P.D. PLAT 15, AS RECORDED IN PLAT BOOK 112, PAGES 52 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT P; THENCE ALONG THE NORTH LINE OF SAID LOTS P, Q AND R, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; S.84°57'03"E. A DISTANCE OF 101.56 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1,040.00 FEET AND A CENTRAL ANGLE OF 02°11'11"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 39.69 FEET TO A POINT OF TANGENCY; THENCE S.87°08'14"E., A DISTANCE OF 1,360.59 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 1,575.76 FEET AND A CENTRAL ANGLE OF 10°50'07"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 297.99 FEET TO THE NORTHEAST CORNER OF SAID LOT R; THENCE ALONG THE EAST LINE OF SAID LOT R, THE FOLLOWING NINE (9) COURSES AND DISTANCES; S.11°32'50"W., A DISTANCE OF 59.01 FEET; THENCE S.11°30'34"W., A DISTANCE OF 63.32 FEET; THENCE S.43°42'55"W., A DISTANCE OF 59.61 FEET; THENCE S.36°46'41"W., A DISTANCE OF 145.28 FEET; THENCE S.53°56'43"W., A DISTANCE OF 64.28 FEET; THENCE S.55°58'50"W., A DISTANCE OF 54.08 FEET; THENCE S.01°00'00"W., A DISTANCE OF 177.64 FEET; THENCE S.00°54'06"E., A DISTANCE OF 98.50 FEET; THENCE S.01°19'35"W., A DISTANCE OF 24.24 FEET TO THE SOUTHEAST CORNER OF SAID LOT R; THENCE N.88°40'23"W. ALONG THE SOUTH LINE OF SAID LOTS P, Q AND R, SAID LINE BEING 150.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE SOUTH LINE OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, A DISTANCE OF 1,828.18 FEET TO THE SOUTHWEST CORNER OF SAID LOT P; THENCE ALONG THE WEST LINE OF SAID LOT P, THE FOLLOWING THREE COURSES AND DISTANCES; N.01°19'35"E., A DISTANCE OF 169.97 FEET; THENCE N.61°58'15"E., A DISTANCE OF 305.98 FEET; THENCE N.01°19'35"E., A DISTANCE OF 358.15 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.
CONTAINING 1,134,978 SQUARE FEET/26.0555 ACRES MORE OR LESS.

ALSO KNOWN AS:

PARCEL G-13

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST; PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF CALBUT GENPAR TRACT A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGE 70, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EAST LINE OF WETLANDS PRESERVATION TRACT 10, AS SHOWN

ON THE PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176, PUBLIC RECORDS OF SAID COUNTY;

THENCE S 88°40'25"E (AS A BASIS OF BEARING) ALONG SAID LINE OF CALBUT GENPAR TRACT A, A DISTANCE OF 1,720.40 FEET TO THE WEST LINE OF WETLAND PRESERVATION TRACT C-9, AS RECORDED IN OFFICIAL RECORDS BOOK 7518, PAGE 1612, PUBLIC RECORDS OF SAID COUNTY, THE FOLLOWING FOUR (4) COURSES ARE ALONG SAID WEST LINE OF WETLAND PRESERVATION TRACT C-9; THENCE N 36°46'41"E, A DISTANCE OF 27.00 FEET; THENCE N 43°42'55" E, A DISTANCE OF 59.61 FEET; THENCE N 11°30'34"E, A DISTANCE OF 63.32 FEET; THENCE N 11°32'50"E, A DISTANCE OF 59.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CORPORATE ROAD SOUTH, PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO.4, AS RECORDED IN PLAT BOOK 68, PAGE 88, PUBLIC RECORDS OF SAID COUNTY; THE FOLLOWING FOUR (4) COURSES ARE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF CORPORATE ROAD SOUTH; THENCE WESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1575.76 FEET, A CENTRAL ANGLE OF 10°50'01", AN ARC LENGTH OF 297.95 FEET (CHORD S 87°26'30"W, 297.50) TO A POINT OF TANGENCY; THENCE N 87°08'14"W, A DISTANCE OF 1360.59 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1040.00 FEET, A CENTRAL ANGLE OF 02°11'11", AN ARC LENGTH OF 39.69 FEET TO A POINT OF TANGENCY; THENCE N 84°57'03"W, A DISTANCE OF 101.57 FEET TO THE EAST LINE OF SAID WETLANDS PRESERVATION TRACT 10; THENCE 01°19'35"W ALONG SAID EAST LINE, A DISTANCE OF 211.16 FEET TO THE POINT OF BEGINNING.

AND

PARCEL K-2

A PARCEL OF LAND LYING OVER THE PLAT OF CALBUT GENPAR TRACT A, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGE 70, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PROCEED NORTH 88°40'25" WEST, ALONG THE SOUTH LINE OF SECTION 17, A DISTANCE OF 2,712.25 FEET; THENCE NORTH 01°19'35" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF WETLAND PRESERVATION TRACT C-9, AS RECORDED IN OFFICIAL RECORDS BOOK 7518, PAGE 1612, PUBLIC RECORDS OF SAID COUNTY, AND A POINT ON THE NORTH LINE OF CANAL TRACT 9, AS RECORDED IN OFFICIAL RECORDS BOOK 6297, PAGE 1252, PUBLIC RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; THENCE NORTH 88°40'25" WEST, DEPARTING SAID SOUTHWEST CORNER, AND ALONG SAID NORTH LINE, A DISTANCE OF 1,828.14 FEET TO THE SOUTHEAST CORNER OF WETLANDS PRESERVATION TRACT 10, AS SHOWN ON THE PLAT OF PALM BEACH PARK OF COMMERCE, P.I.P.D., PLAT NO. 1, AS RECORDED IN PLAT BOOK 56, PAGES 172 THROUGH 176, PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 01°19'35" EAST, DEPARTING SAID SOUTHEAST CORNER, AND ALONG THE EAST LINE OF SAID WETLANDS PRESERVATION TRACT 10, A DISTANCE OF 170.00 FEET; THENCE NORTH 61°58'15" EAST, CONTINUING ALONG SAID EAST LINE,

A DISTANCE OF 305.98 FEET; THENCE NORTH 01°19'35" EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 147.00 FEET TO A POINT ON THE NORTH LINE OF SAID PLAT OF CALBUT GENPAR TRACT A; THENCE SOUTH 88°40'25" EAST, DEPARTING SAID EAST LINE, AND ALONG SAID NORTH PLAT LINE, AND A LINE 617.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 1,720.40 FEET TO A POINT ON THE WEST LINE OF SAID WETLANDS PRESERVATION TRACT C- 9; THE FOLLOWING SIX (6) COURSES ARE ALONG SAID WEST LINE OF WETLAND PRESERVATION TRACT C-9; THENCE SOUTH 36°46'41" WEST, DEPARTING SAID NORTH LINE AND SAID PARALLEL LINE, A DISTANCE OF 118.28 FEET; THENCE SOUTH 53°56'43" WEST, A DISTANCE OF 64.28 FEET; THENCE SOUTH 55°58,50" WEST, A DISTANCE OF 54.08 FEET; THENCE SOUTH 01°00'00" WEST, A DISTANCE OF 177.64 FEET; THENCE SOUTH 00°54'06" EAST, A DISTANCE OF 98.50 FEET; THENCE SOUTH 01°19'35" WEST, A DISTANCE OF 24.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,134,978 SQUARE FEET/26.0555 ACRES MORE OR LESS.

INSURANCE AUTO AUCTIONS CORP.
a Delaware corporation

**Unanimous Written Consent of the
Board of Directors**

The undersigned, being all of the directors of Insurance Auto Auctions Corp., a Delaware corporation (the "Corporation"), do hereby consent and agree to the adoption of the following recitals and resolutions pursuant to Section 141 of the General Corporation Law of the State of Delaware in lieu of holding a special meeting of the Board of Directors:

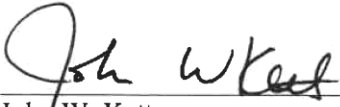
WHEREAS, John W. Kett, being the duly elected Chief Executive Officer has determined it to be in the best interest of the Corporation to appoint Timothy O'Day to the position of President of U.S. Operations.

This consent may be executed via facsimile or otherwise in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute a single document.

Dated: June 28, 2019

Director signature page follows.

Dated: June 28, 2019



John W. Kett



James S. Peryar

Being all of the members of the Board of Directors



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Foreign Profit Corporation
INSURANCE AUTO AUCTIONS CORP.

Filing Information

Document Number	F96000001512
FEI/EIN Number	95-4455113
Date Filed	03/25/1996
State	DE
Status	ACTIVE

Principal Address

TWO WESTBROOK CORPORATE CTR.
SUITE 500
WESTCHESTER, IL 60154

Changed: 02/21/2006

Mailing Address

TWO WESTBROOK CORPORATE CTR.
SUITE 500/ATTN: TRACY POPE-GRESHAM
WESTCHESTER, IL 60154

Changed: 01/08/2010

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

Name Changed: 03/17/2008

Address Changed: 03/17/2008

Officer/Director Detail

Name & Address

Title CEO, PRESIDENT, DIRECTOR

KETT, JOHN W
TWO WESTBROOK CORPORATE CTR.
WESTCHESTER, IL 60154

Title SENIOR VP, SECRETARY, DIRECTOR

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=Entity...> 9/13/2019

PERYAR, JAMES SIDNEY TWO WESTBROOK CORPORATE CTR. WESTCHESTER, IL 60154	
Title COO	
O'Day, Tim TWO WESTBROOK CORPORATE CTR. SUITE 500 WESTCHESTER, IL 60154	
Annual Reports	
Report Year	Filed Date
2017	03/07/2017
2018	03/06/2018
2019	02/07/2019
Document Images	
02/07/2019 -- ANNUAL REPORT	View image in PDF format
03/06/2018 -- ANNUAL REPORT	View image in PDF format
03/07/2017 -- ANNUAL REPORT	View image in PDF format
03/02/2016 -- ANNUAL REPORT	View image in PDF format
02/19/2015 -- ANNUAL REPORT	View image in PDF format
04/30/2014 -- ANNUAL REPORT	View image in PDF format
01/25/2013 -- ANNUAL REPORT	View image in PDF format
02/07/2012 -- ANNUAL REPORT	View image in PDF format
02/15/2011 -- ANNUAL REPORT	View image in PDF format
01/08/2010 -- ANNUAL REPORT	View image in PDF format
01/12/2009 -- ANNUAL REPORT	View image in PDF format
03/17/2008 -- Reg. Agent Change	View image in PDF format
01/07/2008 -- ANNUAL REPORT	View image in PDF format
11/08/2007 -- ANNUAL REPORT	View image in PDF format
10/29/2007 -- ANNUAL REPORT	View image in PDF format
01/25/2007 -- ANNUAL REPORT	View image in PDF format
02/21/2006 -- ANNUAL REPORT	View image in PDF format
04/29/2005 -- ANNUAL REPORT	View image in PDF format
04/12/2004 -- ANNUAL REPORT	View image in PDF format
04/21/2003 -- ANNUAL REPORT	View image in PDF format
02/05/2002 -- ANNUAL REPORT	View image in PDF format
05/18/2001 -- ANNUAL REPORT	View image in PDF format
05/18/2000 -- ANNUAL REPORT	View image in PDF format
04/14/1999 -- ANNUAL REPORT	View image in PDF format
02/04/1998 -- ANNUAL REPORT	View image in PDF format
05/16/1997 -- ANNUAL REPORT	View image in PDF format
03/25/1996 -- DOCUMENTS PRIOR TO 1997	View image in PDF format

Florida Department of State, Division of Corporations

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=Entity...> 9/13/2019

**PALM BEACH PARK OF COMMERCE PIPD
–IAAI WEST VARIANCE
JUSTIFICATION STATEMENT**

Request: Type 2 Stand Alone Variance
Control Number: 1981-190
Application Number: ZV-2019-01980
Submittal: October 7, 2019



Urban Planning and Design
Landscape Architecture
Communication Graphics

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of the applicant, Insurance Auto Auctions, Inc. and property owner, YTG Palm Beach IL NR, LP, Urban Design Kilday Studios (UDKS) has prepared and hereby respectfully submits the enclosed application for a Type 2 Stand Alone Variance request. The subject property consists of three (3) parcels totaling 26.06-acres (Parcel Control Number [PCN] 00-41-41-17-08-016-0000; 00-41-41-17-08-017-0000 and 00-41-41-17-08-018-0000) and is located within the Palm Beach Park of Commerce PIPD with an Industrial (IND) Future Land Use Designation. The proposed use for the site is Outdoor Auction, which includes the majority of the land area utilized for outdoor storage of vehicles. This use is permitted by right in the parcel's IL Pod designation and is currently under the administrative review of the DRO for site plan approval (Application ABN/DRO-2019-01248)

Specifically, two variances are being requested from Article 5 of the Palm Beach County Unified Land Development Code (ULDC), which are listed below.

Request:

- Art. 5.E.4.E.2. All outdoor lighting shall be subject to the requirements of Table 5.E.4.E-Illumination Levels and 5.E.4.E-Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein.
 - To allow for the subject site to be exempted from the lighting requirement outdoor lighting for the sales pad, storage area and the drop zone/load out.
- Art.5. E.4.E.4.c.3) Security lighting shall be required for all active entrances to building, parking lots and access to building or parking lots. All security lighting shall maintain an average of .75fc, a minimum of 0.3fc and a maximum of 3fc from dusk until dawn.
 - To eliminate any security lighting within the site for outdoor lighting for the sales pad, storage area and the drop zone/load out area.

SITE SPECIFIC HISTORY

There have not been any prior site plan approvals on this parcel. However, as outlined above, a DRO application (ABN/DRO-2019-01248), for the subject site, is also in process for a Full DRO Review and Final Site Plan approval of an outdoor auction/outdoor storage facility on the property. That request is not subject to or dependent on the approval of the variance being requested as part of this application.

610 Clematis Street
Suite CU02
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

Site Operation

The process is simple with relatively no impact on the environment and at no time throughout the life of a vehicle at IAAI will it be dismantled, parted out, repaired, scraped, or otherwise disassembled. IAAI is not engaged in the business of repairing vehicles or selling auto parts in any way, new or used. The process is as follows.

1. Vehicles are primarily brought to IAAI by third party towing services on behalf of IAAI and the sellers who consist mainly of Insurances Companies, Banks, Rental Agencies, Dealers, Fleet Companies, and Charities.
2. The vehicles are delivered to the Drop Zone as depicted on the Final Site Plan and then inspected prior to being formally accepted and then transported to the storage area.
3. Vehicles are inventoried, photographed, and stored at IAAI throughout the title clearance process which can take up from 45 to 75 days.
4. Vehicles are then put into one of IAAI's auctions which are conducted live on site and simulcast online to buyers around the world. Once the auction process is complete, vehicles are delivered to the buyer via an IAAI or buyer arranged transport service provider.

Prior to the auction, the vehicles to be included in such auction are moved to a load out/sale pad and are made available for on-site and online viewing by IAAI's members. The inventory storage area has been deemed to be considered outdoor storage – not a vehicular use area – which resulted in no internal or terminal islands or interior landscape being required for the storage area. The majority of the area, with the exception of the sales pad, is not open to the public.

PRE-APPLICATION APPOINTMENT/CONFERENCE

A Pre-Application Appointment meeting to discuss the proposed variance request and the submittal was held with Palm Beach County Staff on October 2, 2019. The meeting included Carrie Rechenmacher, Donna Adelsperger, and Melissa Matos from the County; Joni Brinkman, and Bobby Powell from Urban Design Kilday Studios; and Joe Podge and Rich Hoopis from IAAI. There was discussion centered on this proposed variance request and the neighboring Caloosa development to the south, which is an active community that enjoys a certain quality of life. It was determined that the security system would need to be described in detail and acknowledgement that the use must comply with the noise regulations in the ULDC must be adhered to as well.

Surrounding Community

The subject property has a limited service area designation resulting in it being considered within the Urban/Suburban Tier-Urban Service Area, which typically has a development pattern generally characterized as urban or suburban. The Caloosa residential community to the south is located within the Rural Tier. There is a 150' canal separating the rear of the subject property from Caloosa, which are Single Family homes

UKDS Project No.: 80-026.170 • **Project Name:** Palm Beach Park of Commerce IAAI West Variance •
Submittal: October 7, 2019 • Page 2 of 9

that have a Rural Residential 10 units per acre (RR-10) Future Land Use designation and an Agricultural Residential (AR) zoning district. This canal, per the Park's DRI approval and Master Plan, serves as a buffer to the residents to the south. The uses along this canal must also comply with a greater setback of 50' per the project's development order conditions.

Caloosa, as described on its property owner's association website, is an equestrian community that boasts more than 30 miles of interior bridle paths, a 32-acre horse park, paved roads, close proximity to exclusive shopping, world-class golf, etc. The community comprises 350 five-acre parcels, each adjoining an internal trail system. This area was platted in 1978 and governed by an active seven-member board HOA. It is the intent of the applicant to reduce potential light pollution onto the properties within the Caloosa community. We understand that by providing outdoor lighting only around the buildings, parking lot, and area accessible at night, it creates an additional buffer for a no light zone to the homes located within the Caloosa development. Additionally, waiving the requirement to light the storage area will further goals of the International Dark-Sky Association.

The purpose and intent as defined in the ULDC Article 5. for outdoor lighting reads:

It is the intent of this Section to preserve, protect, and **enhance the lawful nighttime use and enjoyment** of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaires and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorists, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment

The areas proposed for inclusion for the variance relief are not open to the public or utilized for nighttime use. However, they will be monitored via a sophisticated security system discussed in greater detail later in this statement. The Comprehensive Plan recognizes that there are diverse communities within the County through its implementation of the Managed Growth Tier System, which is designed to protect and maintain quality livable communities that respect the lifestyle choices for current and future residents. The IAAI Auto Auction site's western site

SITE DESIGN

Access to the subject property will be provided via a driveway connection to Corporate Road South. A secondary emergency access for fire has also been provided to the east onto the roadway. Both entrances will be secured with a gate and a Knox box for access. A 21' wide Fire Access aisle has been depicted on the plan that goes around the entire perimeter of the property, and is subject to revision if additional internal routes are required by Fire.

The applicant is proposing a 370 square foot building and a 275' x 275' secured load out lot/drop zone that will be enclosed by a 6' chain link fence. This area will be utilized to stage auction vehicles for viewing by members. The remainder of the property will be used for the storage of vehicles and secured after dusk. This use requires a total of two (2) parking spaces (1 per 250 square feet for enclosed indoor space). However, the applicant is proposing to provide seven (7) spaces to accommodate on-site employees.

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One of the provided parking spaces is handicap accessible with a sidewalk connection to the right of way and a sidewalk to the south of those parking spaces.

Variance Request

The proposed variances being requested are to eliminate outdoor lighting and security lighting to the sales pad, storage area, drop zone/load out. The applicant believes that the intent of the ULDC Art. 5.E.4.E.1 Outdoor Lighting purpose and intent to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems is being met, as there is no nighttime use proposed at the facility. Additionally, by allowing for the elimination of the required lighting on the subject site it will maintain the quality of life and enjoyment to the property owners to the south in the Caloosa development by eliminating the potential for light trespass.

It is our understanding that IAAI's facility will cease operations at 6 p.m. on a daily basis, which eliminates the necessity to provide lighting in the aforementioned areas that are already limited in access to the public. After hours there will be one person monitoring the site.

This site will be secured with infrared thermal security monitoring cameras that will catch intruders before or as soon as they enter the site. These cameras will be mounted on engineered poles in various perimeter locations in compliance with the ULDC height limitations. The software that is being used will process and analyze video and automatically recognizes people and vehicles by detection of motion. The software will create a "bounding box" if any motion is detected on the site, the box will be red if it is a human and blue if it is a vehicle. Once motion is detected the system will instantly transmit marked alarm clip to a remote monitoring station, which will then escalate to the auction contact person or the police if necessary. It is also our understanding that the system is equipped with an audio system that will allow for communication with potential intruders. The sound would be directed into the storage area and away from the residential properties. This system is constructed to adhere to the Maximum Sound Level not to exceed 50 decibels at the residential property line of the adjacent property owners to the south as set forth in Table 5.E.4.B. of the ULDC.

Insurance Auto Auctions, Inc. recently opened up a facility in Jacksonville and the security camera plan is similar to the one that will be provided at the subject site. As part of this application we have included the preliminary lighting and photometric plan by Kimley Horn developed. There are more than 130 light poles between the IAAI West and IAAI East which would be required to comply with code, and this does not include the drop zone and load outs in those calculations. The applicant estimates that the security camera system would require roughly 20 poles to monitor the both sites with the infrared thermal monitoring camera system. This would greatly reduce the number of 30' tall poles located within the site and eliminate any negative potential impact from the code required lighting to the neighbors and wildlife in the area.

The proposed development plan includes a 50' rear setback from the southern property line that is inclusive of a 15' incompatibility buffer, as well as a 150' canal separating it

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from the property adjacent property owners. The reduction or elimination of the outdoor lighting requirement at night will serve to further mitigate any negative impacts onto the residential properties.

PROPOSED VARIANCES

The following Type 2 Variances are being requested:

CODE SECTION	REQUIRED	PROPOSED	VARIANCE
Art. 5. E.4. E.2.	All outdoor lighting shall be subject to the requirements of Table 5.E.4.E- Illumination Levels and 5.E.4.E- Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein.	To allow for the subject site to be exempted from the lighting requirement outdoor lighting for the sales pad, storage area and the drop zone/load out.	To eliminate the requirement for outdoor lighting for the sales pad, storage area and the drop zone/load out.
Art.5. E.4.E.4.c.3)	Security lighting shall be required for all active entrances to building, parking lots and access to building or parking lots. All security lighting shall maintain an average of .75fc, a minimum of 0.3fc and a maximum of 3fc form dusk until dawn.	To eliminate any security lighting within the site for outdoor lighting for the sales pad, storage area and the drop zone/load out.	To eliminate the requirement to provide security lighting on the site for outdoor lighting for the sales pad, storage area and the drop zone/load out.

VARIANCE STANDARDS

The Palm Beach County Unified Land Development Code, Article 2.B.3, requires a statement of special reason or that the basis for the variance required be provided. An application for the variance shall be written demonstrating all of the following to a variance. A Type 2 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

RESPONSE:

The special conditions and circumstances in regard to these variance requests are peculiar to this parcel of land, which are not applicable to other parcels of land in the same zoning district. IAAI is not a common use, and although the subject site has a commercial use by ULDC, it is located within an Industrial Pod. The auto auction use is not similar in nature to the other surrounding uses within the Palm Beach Park of Commerce PIPD. Unlike the Walgreens Distribution Center located in the northern area of the Park, this use is not in operation 24-hours a day. The sales pad is the only area that is accessible to the public, and it will cease operation at 6 p.m. Additionally, staff has already made a determination that the storage area is not considered a vehicular use area. Most importantly, the fact that the Park is included within a Limited Service Area, which allows for uses typically permitted in the Urban/Suburban Tier, it is surrounded by lands within the Rural Tier. This parcel specifically is located to the north of a rural residential subdivision, making it unique when compared to other industrial developments within the Urban/Suburban Tier.

*Art. 5.E.4.E.1. Outdoor Lighting Purpose and Intent states in part "It is the intent of this Section to preserve, protect, and enhance the **lawful night use and enjoyment** of any and all property through the use of appropriate lighting practices and systems..." This code reference speaks to providing lighting for uses that operate at night. Outdoor site lighting is typically provided for uses that offer hours of operation during nighttime hours and to members of the public, such as retail centers and other similar commercial/retail users. The proposed auto auction use does not operate in the same manner. The ULDC does not provide for an exemption from lighting for uses or portions of a site that are not utilized at nighttime, creating a special circumstance for this site.*

b. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

RESPONSE:

Variances 1 & 2 - The special conditions associated with these variance requests are not a result of the actions of the applicant, but the result of the circumstance outdoor site lighting and security lighting not being clearly defined by the ULDC. The ULDC does not provide for an exemption from lighting for uses or portions of a site that are not used at night. Additionally, the location of the PIPD itself, the designation of a limited service area, and the surrounding existing rural residential development is not the result of the actions of the applicant.

c. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

RESPONSE:

Variances 1 & 2 - The granting of the variances will not confer any special privilege denied by the plan or the code to other parcels of land in the same zoning district. If another property demonstrated the same or similar conditions on a property with the same or similar conditions as the subject property with the same type of uses, and adequate support for the required variance criteria provided, the variances would also be considered based on the justification provided in regard to the variance criteria.

This specific site is uniquely situated as it functions as an outdoor storage/outdoor auction facility with limited access to the public during its day time hours. The storage area, sales lot, drop zone/load out are areas that will not function after dark and it is unnecessary to light these areas at night.

d. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

RESPONSE:

Variance 1 and 2 – Literal interpretation and enforcement of the terms and provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district. The purpose and intent of the 'Outdoor Lighting' requirement in the ULDC is to preserve, protect and enhance the legal nighttime use and enjoyment of any and all properties. The use of the sales pad, outdoor storage, drop zone/load out are limited in access to customers, and there is no access to these areas after hours or after dark.

An undue hardship would result in the literal interpretation and enforcement of the terms and provisions of the Code as it would require the client to potentially impact the Caloosa residential properties to the south. Security lighting is unnecessary for the areas that are called out as, these areas will not be in use during night time hours. Additionally, the client IAAI operates facilities like this one across the U.S. and doesn't provide lighting in those areas. The most recent facility that was approved in Jacksonville, Fla. does not provide lighting in the areas in question.

The site is completely enclosed by a fence and landscaping minimizes access and possible theft to the site. Art.5. E.4.E.4.c.2 Security Lighting and Time

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Restrictions states Outdoor illumination...shall not continue after 11 p.m. or no more than one hour after active use of the area ceases, whichever is later, except for security lighting. In the case of the subject site customers will not have access to the sales pad, storage area or drop zone/load out after dark.

e. GRANTING OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

RESPONSE:

Variance 1 and 2 – This variance request is the minimum necessary to make reasonable use of the land. The sales pad, storage area, and the drop zone/load out areas will be restricted in use and secured after 6:00. The requirement to provide code lighting in these areas is not reasonable and there is no benefit provided by installing outdoor lighting or security lighting. Any employees who are on site at nighttime will only access the areas that are lit including the parking lot and around the entrance of the buildings.

The variance is the minimum variance possible to allow for daytime only use of the sales pad, storage areas and drop zone/load out. All of the aforementioned areas will be secured and gated at night, and will also be secured by the infrared thermal security monitoring system that will identify any motion by a vehicle or human.

Granting this variance to allow for the elimination of the outdoor lighting requirement and security light requirement, which will serve to eliminate waste onsite, reduce light pollution, and reduce the potential for light trespass onto the residential sites to the south of the property.

f. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

RESPONSE:

*Variances 1 & 2 - The granting of these variances will be consistent with the purposes, goals and objectives of the plan and the code. **Objective 1.1 Managed Growth Tier System** of the plan states that PBC shall implement the Managed Growth Tier System to protect viable existing neighborhoods and communities and to direct the location and timing of future development. This variance takes into account that the residential properties to the south are within the Rural Tier, and the subject parcel is considered to be in the Urban Suburban Tier.*

By establishing no light zones, and buffers between the subject parcel and the residential to the south the purposes, goals, objectives and policies of the Comp Plan and ULDC will be met. Additionally, as there is controlled access to the entire



Jupiter Farms Residents
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Phone: (561) 320-1JFR (1537) Email: JFResidents@gmail.com

January 27, 2020

Joni Brinkman, AICP
610 Clematis Street
Suite CU02
West Palm Beach, FL 33401

RE: ZV-2019-01979 & ZV-2019-01980

To Whom it May Concern:

Regarding the requested variances for the abovementioned application within the Palm Beach Park of Commerce, Jupiter Farms Residents, Assoc. Inc. supports the variance to allow less traditional lighting for the areas which border canals and residential areas. The introduction of the infrared security system which allows for this is welcome to minimize any effect this project may have on our community.

This measure, along with minimal evening activities; as we believe that the stated hours of operation are 8:30AM to 4:30 PM, and a minimization of outdoor public-address systems (none have been mentioned as of this writing); which could easily be heard in our single family residential community, would also be welcome. Addressing these requests at the time of application goes a long way to head-off any friction later on, and we thank you for approaching us.

If you require any further assistance or have any further questions, please contact us at the above address, phone, or email.

Sincerely,

Matthew Gitkin
President
Jupiter Farms Residents

